

## CONDOMINIUM AUTHORITY TRIBUNAL

**DATE:** March 12, 2025

**CASE:** 2024-00619R

**Citation:** Sageer v. Toronto Standard Condominium Corporation No. 2595, 2025 ONCAT 44

Order under section 1.44 of the *Condominium Act, 1998*.

**Member:** Ian Darling, Chair

**The Applicant,**

Sanadh Kadavil Muhammed Sageer  
Self-Represented

**The Respondent,**

Toronto Standard Condominium Corporation No. 2595  
Represented by Leza Blair, Agent

**Hearing:** Written Online Hearing – November 10, 2024, to February 20, 2025

### **REASONS FOR DECISION**

#### **A. INTRODUCTION**

- [1] This decision explains why the Tribunal is imposing a \$500 penalty on the Respondent for refusing to provide records without a reasonable excuse.
- [2] The Applicant submitted a Request for Records on the mandatory form on August 24, 2024. The Respondent did not reply to the request. The Applicant filed this case with the Tribunal on September 30, 2024. The Tribunal accepted the Application on October 17, 2024, and Respondent joined the case on October 24, 2024. The Respondent provided some records in Stage 1 – Negotiation. The Applicant then moved the case to Stage 2 – Mediation. In Stage 2 – Mediation, the Respondent provided some records, but then stopped participating, so the case proceeded to Stage 3 – Tribunal Decision.
- [3] At the outset of the Stage 3 – Tribunal Decision, the Respondent resumed participating in the Tribunal process. The outstanding requests were for meeting minutes for June, July and August 2024. The Respondent confirmed that there

was not a meeting in June. The Respondent created and approved the July and August minutes and provided them to the Applicant.

- [4] After the records were received, the parties confirmed that the only issue to be decided was whether the Tribunal should impose a penalty on the Respondent for refusing to provide the minutes without a reasonable excuse.
- [5] Section 1.44 (1) 6 of the *Condominium Act, 1998* (the “Act”) states that the Tribunal may order the Respondent:
  - to pay a penalty that the Tribunal considers appropriate to the person entitled to examine or obtain copies ... if the Tribunal considers that the corporation has without reasonable excuse refused to permit the person to examine or obtain copies under that subsection.
- [6] Under s. 1.44 (3) of the Act, the Tribunal has authority to award a penalty of up to \$5000. It is for me to decide first if the Respondent refused to provide the requested records to the Applicant. The next step is to ask if there a reasonable excuse for such refusal. If there is no reasonable excuse, then a penalty may be appropriate. Finally, if I determine a penalty is justified, the next question is to decide the appropriate amount that should be paid.
- [7] The Applicant’s submissions focused on the impact of the delay in providing the record and concerns with the Respondent’s lack of compliance with the records request process.
- [8] The Respondent was represented by their condominium management provider who stated that at the time of the request, the firm had recently taken over managing the corporation. They stated that when they assumed management “the corporation was in chaos.” In the process of addressing immediate changes, the board held two meetings (July 26, and August 29, 2024). The condominium manager made notes of the meetings but did not produce minutes.
- [9] The Respondent did not provide the minutes for the two meetings because they did not create them until after the notes were discovered during the hearing. The minutes were approved in January 2025 and provided to the Applicant after the hearing began.
- [10] The Respondent stated that this was unintentional, and it occurred in the context of the work to address the governance issues when the new management provider took over.
- [11] I accept that it was not intentional, and that the board and condominium manager

were working to address serious issues. Previous Court and Tribunal decisions have established the important role minutes play – as the corporate memory of the condominium, and to provide transparency into how the corporation is being managed. The Respondent reduced the impact of the refusal by creating and approving the minutes in January. In light of these factors and based on the Respondent's submission that the missing minutes related to a critical period as it worked to rectify operational and governance issues, these meetings ought to have been minuted and those minutes made available promptly. In these circumstances, I find that the significant delay is, in effect, a refusal without a reasonable excuse. A penalty is appropriate.

- [12] I have determined that a penalty of \$500 is appropriate. In deciding on this amount, I have considered prior decisions of the Tribunal, the number of refused records, the importance of the specific records, and the efforts made by the Respondent to bring themselves into compliance once the notes were discovered.
- [13] The Applicant was successful in this case, so following Rule 48.1 of the Tribunal's Practice I will also order the Respondent to reimburse \$200 in Tribunal fees.

**B. ORDER**

- [14] The Tribunal Orders that within 30 days of this Order, the Respondent will pay a \$500 penalty, and \$200 in costs to the Applicant.

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Ian Darling  
Chair, Condominium Authority Tribunal

Released on: March 12, 2025